IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicants: Scott Edward Klopfenstein

Examiner: O Steen, D.

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For: METHOD AND APAPRATUS FOR ADAPTIVELY STORING PROGRAM GUIDE DATA

Mail Stop Appeal Brief-Patents
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APPEAL BRIEF

Applicants appeal the status of Claims 1-16 as presented in response to the Office Action dated July 26, 2006, and finally rejected in the Office Action dated January 4, 2007, pursuant to the Notice of Appeal filed concurrently herewith and submit this appeal brief.

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1. Real Party in Interest

The real party in interest is THOMSON LICENSING S.A., the assignee of the entire right title and interest in and to the subject application by virtue of an assignment recorded with the Patent Office on March 6, 2002 at reel/frame 12694/0001.

2. Related Appeals and Interferences

None.

3. Status of Claims

Claims 1-16 are pending, stand rejected and are under appeal.

A copy of the Claims 1-16 is presented in Section 8 below.

4. Status of Amendments

An amendment under 37 CFR §1.111, mailed to the PTO on September 19, 2006 in response to a non-final Office Action dated July 26, 2006, was entered. No Responses/Amendments were filed subsequent to the above amendment mailed on September 19, 2006. A final Office Action dated January 4, 2007, to which this Appeal Brief is directed, is currently pending.

5. Summary of Claimed Subject Matter

Independent Claim 1 is directed to a method, and independent Claims 10 and 16 are directed to apparatus. Claim 1 recites, *inter alia*, "adapting the storage of program guide

information for a plurality of programs in a receiver", and includes steps that further describe the preceding step. Claim 10 recites, *inter alia*, "a processor, upon executing said instructions, is configured to: adapt the storage of the decoded program guide information in the memory". Claim 16 recites, *inter alia*, "means for adapting the storage of program guide information for a plurality of programs in a receiver". Thus, each of Claims 1, 10, and 16 involve adapting the storage of program guide information.

The subject matters of Claims 1, 8, and 9 are described, e.g., at: page 10, line 21 to page 12, line 17. Moreover, the subject matters of Claims 1, 8, and 9 involve, e.g.: elements 606; 616; 622; 630; and 632 of FIG. 6.

The subject matter of Claim 10 is described, e.g., at: page 4, line 22 to page 8, line 5. Moreover, the subject matter of Claim 10 involves, e.g.: elements 206; 208; 210; 204 (which includes elements 216, 218, 220, and 222); and 202 of FIG. 2.

The subject matter of the first means clause of Claim 16 is described, e.g., at: page 4, line 22 to page 6, line 30. Moreover, the subject matter of the first means clause of Claim 16 involves, e.g.: elements 206; 208; 210; 204 (which includes elements 216, 218, 220, and 222); and 202 of FIG. 2.

The subject matter of the second means clause of Claim 16 is described, e.g., at: page 5, line 5 to page 6, line 30. Moreover, the subject matter of the second means clause of Claim 16 involves, e.g.: elements 204 (which includes elements 216, 218, 220, and 222); and 202 of FIG. 2.

The subject matter of the third means clause of Claim 16 is described, e.g., at: page 5, line 5 to page 6, line 30. Moreover, the subject matter of the third means clause of Claim 16

involves, e.g.: elements 204 (which includes elements 216, 218, 220, and 222); and 202 of FIG. 2.

6. Grounds of Rejection to be Reviewed on Appeal

Claims 1, 4-6, 10-11, and 13-16 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,900,868 to Duhault (hereinafter "Duhault"). Claims 2-3, 7-9, and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Duhault in view of U.S. Patent No. 5,652,613 to Lazarus (hereinafter "Lazarus"). The preceding rejections are presented for review in this Appeal.

Regarding the grouping of the Claims, Claims 2-9 stand or fall with Claim 1 and Claims 11-15 stand or fall with Claim 10, due to their respective dependencies. Moreover, Claims 16,8, and 9 stand or fall by themselves, respectively.

7. Argument

A. Introduction

In general, the present invention is directed to adaptively storing program guide data (Applicants' Specification, Title). As disclosed in the Applicants' specification at page 2, lines 1-3: "Current specifications for an Advanced Program Guide (APG) require the storage of all received program guide information within a memory of the video receiver. Such memory is typically limited in size".

Advantageously, the present principles provide a method (Claims 1, 8, and 9) and apparatus (Claims 10 and 16) that adapt the storage of program guide information. For example, as disclosed at page 7, line 26 to page 8, line 1:

> The receiver 106 minimizes the amount of program guide information stored in the memory 204 for programs that are not of interest to the viewer by discarding or deleting some or all of the corresponding extended program guide information. By deleting this information, the memory 204 thus conserved may be utilized to increase the extended program guide information associated with preferred programming or increase the time-slice for the stored program guide information.

Accordingly, one exemplary advantage of the present principles over the prior art is that the present principles provide a reduction in the amount of program guide information that is stored. This by itself is advantageous, in that less information needs to be maintained in the memory as well as searched. Additionally, the space saved in memory may be used for other purposes, as noted above.

The claims of the pending invention include novel features not shown in the cited references and that have already been pointed out to the Examiner. These features provide advantages over the prior art and dispense with prior art problems such as unnecessarily and inefficiently consuming memory resources to store program guide information (see, e.g., Applicants' Specification, p. 2, lines 1-3, and p. 7, line 26 to p. 8, line 1).

It is respectfully asserted that independent Claims 1, 8, 9, 10, and 16 are each patentably

distinct and non-obvious over the cited references in their own right. For example, the below-identified limitations of Claims 1, 8, 9, 10, and 16 are not shown in any of the cited references, either taken singly or in any combination. Moreover, these claims are distinct from each other in that they are directed to different implementations and/or include different limitations. For example, Claim 1 is directed to a method, Claims 8 and 9 further limit the method recited in Claim 1 (each with additional and different limitations with respect to Claim 1 and each other), Claim 10 is directed to an apparatus, and Claim 16 is directed to an apparatus having different limitations that those recited in Claim 10. Accordingly, each of Claims 1, 8, 9, 10, and 16 represent separate features/implementations of the invention that are separately novel and non-obvious with respect to the prior art and to the other claims. As such, Claims 1, 8, 9, 10, and 16 are separately patentable and are each presented for review in this appeal.

B. Rejection under 35 U.S.C. 102(b) over U.S. Patent No. 5,900,868

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Examiner rejected Claims 1, 4-6, 10-11, and 13-16 as being anticipated by U.S. Patent No. 5,900,868 to Duhault (hereinafter "Duhault"). The Examiner contends that Duhault shows all the elements recited in these claims.

Duhault is directed to a "method and apparatus for multiple channel display" (Duhault, Title). In further detail, Duhault discloses in his Abstract:

A method and apparatus that automatically scales the channel display area (i.e., thumbnails of the channels) based on the number of channels and displaying characteristics and that provides the user with options to customize the plurality of channels displayed in the multi-channel display is accomplished by determining whether all of the channels in the user's customized list can be displayed within the given display area, which may be the full screen or a portion thereof. If all of the channels can be displayed in the given display area, another determination is made to determine the size of each of channel display areas (i.e., thumbnail). Having made this determination, visual representations of each channel in the user's customized list is displayed. While the multi-channel display is being presented, the user can select one of them for customized editing.

It will be shown herein below that the limitations of Claims 1, 10, and 16 reproduced herein are not shown in Duhault, and that such Claims should be allowed including those dependent there from as identified in Section 6 herein.

B1. Claims 1, 4-6, 10-11, and 13-16

It is respectfully asserted that none of the cited references teach or suggest "determining whether a channel is included within a scan list comprising a plurality of channels available for viewing; and deleting program guide information associated with said channel if said channel is not included within said scan list", as recited in independent Claim 1.

Moreover, it is respectfully asserted that none of the cited references teach or suggest "determining whether a channel is included within the scan list and deleting program guide information associated with said channel if said channel is not included within said scan list", as recited in independent Claim 10.

Further, it is respectfully asserted that none of the cited references teach or suggest "means for determining whether a channel is included within a scan list, said scan list comprising a plurality of channels available for viewing; and means for deleting program guide information associated with said channel if said channel is not included within said scan list", as recited in independent Claim 16.

The Examiner has stated that column 2, lines 10-32, column 4, lines 16-32, and column 5, lines 28-42 of Duhault disclose the preceding limitations of Claims 1, 10, and 16. These sections of Duhault will now be reproduced.

Column 2, lines 10-32 of Duhault disclose:

> Generally, the present invention provides a method and apparatus that automatically scales the channel display area of a plurality of channels (i.e., thumbnails of the channels) based on the number of channels being displayed and displaying characteristics. The method and apparatus further provide the user with options to customize the plurality of channels displayed in the multi-channel display. This is accomplished by **determining whether all of the channels in the user's customized list can be displayed within the given display area**, which may be the full screen or a portion thereof. If all of the channels can be

displayed in the given display area, **another determination is made to determine the size of each of the channel display areas** (i.e., the still video thumbnails). Having made this determination, visual representations of each channel in the user's customized list is displayed in the scaled channel display areas. While the multi-channel display is being presented, the user can select one of them for customized editing. With such a method and apparatus, a user can now select which channels to include in his or her customized list and have any number of them displayed in a multi-channel display. The user is further provided with the flexibility of performing customized editing of the video thumbnails in the multi-channel display.

Column 4, lines 16-32 of Duhault disclose:

FIG. 4 illustrates a logic diagram that may be used to implement the multi-channel display. The process begins at step 110 where identity of a plurality of channels is retrieved. The plurality of channels may be television broadcast channels, cable broadcast channels, satellite broadcast channels, radio broadcast channels, multi-cast mode channels (i.e., from the Internet), or any combination thereof. In addition, the plurality of channels may be compiled into a list by the user or by automatic scanning of receivable channels. Regardless of how the list of the plurality of channels is compiled and the types of channels contained therein, the process proceeds to step 112, where a **determination is made as to**

whether the plurality of channels can be displayed within the display area. Such a determination is based on the size of the display area, the number of channels in the plurality of channels, and displaying characteristics.

Column 5, lines 28-42 of Duhault disclose:

When an edit selection is detected, the process proceeds to step 1411, where a set of optional viewing parameters are provided. The optional viewing parameters, which include, but are not limited to, add/delete from the automatic generated channel list, delete from the user's customized channel list, add/delete to a lock-out list (Eg. parental control), or labeling a channel with a name, icon, text, etc. The process then proceeds to step 142, where a **determination is made as to whether a parameter has been selected**. If a parameter was not detected, which may be determined by a time-out period or a user directive, the process returns to refreshing the visual representations and waiting for a preview select or an edit select. If, however, a parameter was selected, the process proceeds to step 146, where the selected parameter is executed upon the selected thumbnail. Once completed, the process returns to step 138.

The first two cited sections of Duhault (namely column 2, lines 10-32, column 4, lines 16-32) disclose determining whether all of the channels in the user's customized list can be displayed within the given display area (the first cited section also disclosing determining the size

of each of the channel display areas), but do NOT disclose determining whether a channel is included within a scan list comprising a plurality of channels available for viewing as essentially recited in each of Claims 1, 10, and 16.

The third cited section of Duhault (namely column 5, lines 28-42) discloses determining whether an optional VIEWING PARAMETER has been selected and, if so, executing the selected parameter upon the selected thumbnail, but does NOT disclose determining whether a channel is included within a scan list comprising a plurality of channels available for viewing as essentially recited in each of Claims 1, 10, and 16.

That is, while the third cited section of Duhault disclose that the optional viewing parameters include "add/delete from the automatic generated channel list, delete from the user's customized channel list, add/delete to a lock-out list (E.g. parental control), or labeling a channel with a name, icon, text, etc.", there is no disclosure thereat regarding program guide information associated with a channel included within a scan list being deleted <u>if the channel is not included in the scan list</u>, as essentially recited in each of Claims 1, 10, and 16.

The third cited section of Duhault corresponds to FIG. 5 thereof, and a cursory review of FIG. 5 clearly shows that no such determination is made such as that recited in each of Claims 1, 10, and 16. Rather, a delete is performed upon the detection of an edit select of a channel (block 134 in FIG. 5 of Duhault) and the receipt of an input selecting a viewing parameter for that channel (blocks 140, 142, and 146 in FIG. 5 of Duhault).

Accordingly, none of the cited sections of Duhault, or any other section for that matter, teaches or suggests the above-recited limitations of Claims 1, 10, and 16.

Accordingly, Claims 1, 10, and 16 are patentably distinct and non-obvious over the cited reference for at least the reasons set forth above. Therefore, withdrawal of the rejection and allowance of Claim 1 (and, thus, also Claims 2-9), Claim 10 (and, thus, also Claims 11-15), and Claim 16 is earnestly requested.

C. Rejection under 35 U.S.C. 103(a) over U.S. Patent No. 5,900,868 and U.S. Patent No. 5,652,613

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art" (MPEP §2143.03, citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious" (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

The Examiner rejected Claims 2-3, 7-9, and 12 as being unpatentable over U.S. Patent No. 5,900,868 to Duhault in view of U.S. Patent No. 5,652,613 to Lazarus under 35 U.S.C. 103(a). The Examiner contends that the cited combination of Duhault and Lazarus shows all the elements recited in these claims.

Duhault is directed to a "method and apparatus for multiple channel display" (Kikuchi, Title). In further detail, Duhault discloses in his Abstract:

> A method and apparatus that automatically scales the channel display area (i.e., thumbnails of the channels) based on the number of channels and displaying characteristics and that provides the user with options to customize the plurality of

channels displayed in the multi-channel display is accomplished by determining whether all of the channels in the user's customized list can be displayed within the given display area, which may be the full screen or a portion thereof. If all of the channels can be displayed in the given display area, another determination is made to determine the size of each of channel display areas (i.e., thumbnail). Having made this determination, visual representations of each channel in the user's customized list is displayed. While the multi-channel display is being presented, the user can select one of them for customized editing.

Lazarus is directed to an "intelligent electronic program guide memory management system and method" (Lazarus, Title). In further detail, Lazarus discloses in his Abstract:

A television electronic program guide intelligent memory management system and method automatically deletes the least valuable stored program information at that moment as free memory space is needed by the system. In advance of a program schedule update, the system executes a two-level memory "housekeeping" operation in which the system first scans the memory to identify obsolete schedule information. If, after this sweep, there is insufficient memory available for the next update, the system performs a second-level memory "triage" operation wherein schedule information is automatically prioritized in accordance with pre-defined rules for assessing the current value of the information to each viewer based on program air time, channel and other variables relating to program

utility. The system then deletes schedule information in ascending order of value, starting with the least valuable information, and continues until enough space is available in memory to store the schedule update.

Hereinafter, Claims 8 and 9 of the above specified rejection will be argued separately. It will be shown herein below that the limitations of Claim 8 and 9 reproduced herein are not shown in any of Duhault and Lazarus, either taken singly or in any combination, and that such Claims should be allowed including those dependent there from as identified in Section 6 herein.

C1. Claim 8

It is respectfully asserted that none of the cited references teach or suggest the following limitations of Claim 8:

> wherein said step of deleting comprises:
> determining whether a program object referenced by a selected channel object is also referenced by a channel object associated with a different channel;
> deleting said referenced program object from memory if said program object is not referenced by another channel object; and
> deleting said selected channel object from memory

The Examiner has cited column 4, lines 46-54 of Lazarus as disclosing the above-recited limitations of Claim 8.

However, the cited section of Lazarus relates to a **housekeeping routine** **that "scans each program record to identify program records whose time and date data indicate that the record is expired**. All such records are tagged and deleted from the program schedule database."

Moreover, the cited section of Lazarus relates to a **triage routine** (more fully described at column 5, lines 22-26 of Lazarus) **that "performs an information prioritization function, quantifying the current value of the information associated with each program record so that the least valuable information can be tagged and deleted on a real-time basis**" (column 5, lines 22-26 of Lazarus).

Thus, the housekeeping routine disclosed in Lazarus relates to program records whose time and date data indicate that the record are expired, while the triage routine relates to prioritizing information for deletion, and neither relate to deleting program guide information for a channel based upon whether the channel is included within a scan list comprising a plurality of channels available for viewing, let alone the specific steps for deleting recited in Claim 8.

That is, neither the housing routine or the triage routine determine whether a channel is included within a scan list and delete program guide information associated with the channel if the channel is NOT included within the scan list, as essentially recited in Claim 8 by virtue of its dependency from Claim 1 and, thus, certainly do not disclose the additional limitations relating to the deleting step explicitly recited in Claim 8, namely, "determining whether a program object referenced by a selected channel object is also referenced by a channel object associated with a different channel; deleting said referenced program object from memory if said program object is

not referenced by another channel object; and deleting said selected channel object from memory", as recited in Claim 8.

For example, Lazarus further discloses with respect to the above described routines "[w]here all of the showings of a particular program are expired, the system deletes the entire record corresponding to that program" (Lazarus, col. 4, lines 50-62). Lazarus further discloses "[i]n general, any information stored in the EPG that may become obsolete by virtue of the passage of time can be scanned and deleted in accordance with the present invention" (Lazarus, col. 4, lines 56-59).

Thus, Lazarus focuses on date and time data and/or prioritization data to determine whether to delete information, the present invention deletes, for example, a referenced program object from memory upon determining that a channel corresponding to the referenced program object is NOT included within the scan list, as essentially recited in Claim 8.

It is to be appreciated that Duhault does not cure the deficiencies of Lazarus and is, thus, silent with respect to the above-recited limitations of Claim 8.

The Examiner has stated that column 2, lines 10-32, column 4, lines 16-32, and column 5, lines 28-42 of Duhault disclose "deleting from scan lists", the cited sections of Duhault

The first two cited sections of Duhault (namely column 2, lines 10-32, column 4, lines 16-32) disclose determining whether all of the channels in the user's customized list can be displayed within the given display area (the first cited section also disclosing determining the size of each of the channel display areas), but do NOT disclose determining whether a channel is included within a scan list comprising a plurality of channels available for viewing as essentially recited in Claim 8, by virtue of its dependency from Claim 1.

The third cited section of Duhault (namely column 5, lines 28-42) discloses determining whether an optional VIEWING PARAMETER has been selected and, if so, executing the selected parameter upon the selected thumbnail, but does NOT disclose determining whether a channel is included within a scan list comprising a plurality of channels available for viewing as essentially recited in Claim 8, by virtue of its dependency from Claim 1.

That is, while the third cited section of Duhault disclose that the optional viewing parameters include "add/delete from the automatic generated channel list, delete from the user's customized channel list, add/delete to a lock-out list (E.g. parental control), or labeling a channel with a name, icon, text, etc.", there is no disclosure thereat regarding program guide information associated with a channel included within a scan list being deleted if the channel is not included in the scan list, as essentially recited in Claim 8, by virtue of its dependency from Claim 1.

The third cited section of Duhault corresponds to FIG. 5 thereof, and a cursory review of FIG. 5 clearly shows that no such determination is made such as that recited in Claim 8 (by virtue of its dependency from Claim 1). Rather, a delete is performed upon the detection of an edit select of a channel (block 134 in FIG. 5 of Duhault) and the receipt of an input selecting a viewing parameter for that channel (blocks 140, 142, and 146 in FIG. 5 of Duhault).

Thus, none of the cited sections of Duhault, or any other section for that matter, teaches or suggests the above-recited limitations of Claim 8.

Accordingly, Claim 8 is patentably distinct and non-obvious over the cited references for at least the reasons set forth above. Therefore, withdrawal of the rejection and allowance of Claim 8 is earnestly requested.

C2. Claim 9

It is respectfully asserted that none of the cited references teach or suggest the following limitations of Claim 9:

> wherein said step of deleting comprises:
>
> determining whether a schedule object referenced by said selected channel object is also referenced by a channel object associated with a different channel;
>
> deleting said referenced schedule object from memory if said schedule object is not referenced by another channel object; and
>
> deleting said selected channel object from memory

The Examiner has cited column 4, lines 46-54 of Lazarus as disclosing the above-recited limitations of Claim 9.

However, the cited section of Lazarus relates to a **housekeeping routine** **that "scans each program record to identify program records whose time and date data indicate that the record is expired**. All such records are tagged and deleted from the program schedule database."

Moreover, the cited section of Lazarus relates to a **triage routine** (more fully described at column 5, lines 22-26 of Lazarus) **that "performs an information prioritization function, quantifying the current value of the information associated with each program record so that the least valuable information can be tagged and deleted on a real-time basis**" (column 5, lines 22-26 of Lazarus).

Thus, the housekeeping routine disclosed in Lazarus relates to program records whose time and date data indicate that the record are expired, while the triage routine relates to

prioritizing information for deletion, and neither relate to deleting program guide information for a channel based upon whether the channel is included within a scan list comprising a plurality of channels available for viewing, let alone the specific steps for deleting recited in Claim 9.

That is, neither the housing routine or the triage routine determine whether a channel is included within a scan list and delete program guide information associated with the channel if the channel is NOT included within the scan list, as essentially recited in Claim 9 by virtue of its dependency from Claim 1 and, thus, certainly do not disclose the additional limitations relating to the deleting step explicitly recited in Claim 9, namely, "wherein said step of deleting comprises: determining whether a schedule object referenced by said selected channel object is also referenced by a channel object associated with a different channel; deleting said referenced schedule object from memory if said schedule object is not referenced by another channel object; and deleting said selected channel object from memory", as recited in Claim 9.

Thus, Lazarus focuses on date and time data and/or prioritization data to determine whether to delete information, the present invention deletes, for example, a referenced schedule object from memory upon determining that a channel corresponding to the referenced schedule object is NOT included within the scan list, as essentially recited in Claim 9.

It is to be appreciated that Duhault does not cure the deficiencies of Lazarus and is, thus, silent with respect to the above-recited limitations of Claim 9.

The Examiner has stated that column 2, lines 10-32, column 4, lines 16-32, and column 5, lines 28-42 of Duhault disclose "deleting from scan lists", the cited sections of Duhault

The first two cited sections of Duhault (namely column 2, lines 10-32, column 4, lines 16-32) disclose determining whether all of the channels in the user's customized list can be

displayed within the given display area (the first cited section also disclosing determining the size of each of the channel display areas), but do NOT disclose determining whether a channel is included within a scan list comprising a plurality of channels available for viewing as essentially recited in Claim 9, by virtue of its dependency from Claim 1.

The third cited section of Duhault (namely column 5, lines 28-42) discloses determining whether an optional VIEWING PARAMETER has been selected and, if so, executing the selected parameter upon the selected thumbnail, but does NOT disclose determining whether a channel is included within a scan list comprising a plurality of channels available for viewing as essentially recited in Claim 9, by virtue of its dependency from Claim 1.

That is, while the third cited section of Duhault disclose that the optional viewing parameters include "add/delete from the automatic generated channel list, delete from the user's customized channel list, add/delete to a lock-out list (E.g. parental control), or labeling a channel with a name, icon, text, etc.", there is no disclosure thereat regarding program guide information associated with a channel included within a scan list being deleted if the channel is not included in the scan list, as essentially recited in Claim 9, by virtue of its dependency from Claim 1.

The third cited section of Duhault corresponds to FIG. 5 thereof, and a cursory review of FIG. 5 clearly shows that no such determination is made such as that recited in Claim 9 (by virtue of its dependency from Claim 1). Rather, a delete is performed upon the detection of an edit select of a channel (block 134 in FIG. 5 of Duhault) and the receipt of an input selecting a viewing parameter for that channel (blocks 140, 142, and 146 in FIG. 5 of Duhault).

Thus, none of the cited sections of Duhault, or any other section for that matter, teaches or suggests the above-recited limitations of Claim 9.

Accordingly, Claim 9 is patentably distinct and non-obvious over the cited references for at least the reasons set forth above. Therefore, withdrawal of the rejection and allowance of Claim 9 is earnestly requested.

D. Conclusion

None of the cited references, either taken singly or in combination, teach or suggest all of the claim limitations of the pending claims. Accordingly, it is respectfully requested that the Board reverse the rejection of Claim 1, 4-6, 10-11, and 13-16 under 35 U.S.C. §102(b) and Claims 2-3, 7-9, and 12 under 35 U.S.C. §103(a).

Please charge the amount of $500.00, covering fee associated with the filing of the Appeal Brief, to **Thomson Licensing Inc., Deposit Account No. 07-0832**. In the event of any non-payment or improper payment of a required fee, the Commissioner is authorized to charge **Deposit Account No. 07-0832** as required to correct the error.

Respectfully submitted,

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8. CLAIMS APPENDIX

1. (previously presented) A method, comprising:

adapting the storage of program guide information for a plurality of programs in a receiver, wherein said adapting step includes:

determining whether a channel is included within a scan list comprising a plurality of channels available for viewing; and

deleting program guide information associated with said channel if said channel is not included within said scan list.

2. (original) The method of claim 1, wherein said deleting comprises:

determining whether program guide information scheduled for said identified channel is scheduled for use with another channel; and

deleting said program guide information if said program guide information is scheduled for use with no other channel.

3. (original) The method of claim 1, further comprising:

storing additional information for at least one program scheduled on an available channel.

4. (original) The method of claim 1, wherein at least one of said plurality of programs is broadcast from one of a satellite and a terrestrial broadcasting center.

5. (original) The method of claim 1, wherein each of said plurality of programs comprises at least one of a pre-recorded program, a live broadcast, and an advertisement.

6. (original) The method of claim 1, wherein said program guide information comprises Advanced Program Guide (APG) information.

7. (original) The method of claim 1, wherein said program guide information comprises

a channel object containing program guide information for a channel, a schedule object containing program guide information for a program schedule, and program object containing program guide information for a program.

8. (original) The method of claim 7, wherein said step of deleting comprises:

determining whether a program object referenced by a selected channel object is also referenced by a channel object associated with a different channel;

deleting said referenced program object from memory if said program object is not referenced by another channel object; and

deleting said selected channel object from memory.

9. (original) The method of claim 7, wherein said step of deleting comprises:

determining whether a schedule object referenced by said selected channel object is also referenced by a channel object associated with a different channel;

deleting said referenced schedule object from memory if said schedule object is not referenced by another channel object; and

deleting said selected channel object from memory.

10. (previously presented) Apparatus comprising:

a tuner, for tuning a signal including program guide information;

a demodulator, for demodulating said tuned signal;

a decoder, for decoding said demodulated signal;

a memory, for storing decoded program guide information, a scan list of at least one channel available for viewing, and instructions; and

a processor, upon executing said instructions, is configured to:

adapt the storage of the decoded program guide information in the memory by determining whether a channel is included within the scan list and deleting program guide information associated with said channel if said channel is not included within said scan list.

11. (original) The apparatus of claim 10, wherein said channel selected for removal is provided via an input device.

12. (original) The apparatus of claim 10, wherein said program guide information is deleted if said program guide information is scheduled for use with no other channel on said program guide.

13. (previously presented) The apparatus of claim 10, wherein said at least one of said plurality of programs is broadcast from one of a satellite and a terrestrial broadcasting center.

14. (original) The apparatus of claim 10, wherein each of said plurality of programs comprises at least one of a pre-recorded program, a live broadcast, and an advertisement.

15. (original) The apparatus of claim 10, wherein said program guide information comprises Advanced Program Guide (APG) information.

16. (previously presented) An apparatus, comprising:

means for adapting the storage of program guide information for a plurality of programs in a receiver, wherein said means for adapting includes:

means for determining whether a channel is included within a scan list, said scan list comprising a plurality of channels available for viewing; and

means for deleting program guide information associated with said channel if said channel is not included within said scan list.

9. RELATED EVIDENCE APPENDIX

None.

10. RELATED PROCEEDINGS APPENDIX

None